

ENVIRONMENTAL COVENANT

This is an environmental covenant executed pursuant to the Uniform Environmental Covenants Act, West Virginia Code Chapter 22, Article 22B, to restrict the activities on, and uses of, the following described property:

A closed surface impoundment previously used to dispose of waste sludge as defined on the map and description hereto attached to this environmental covenant as Exhibits A and B, respectively. This property, herein referred to as "Property", is intended to be the same surface impoundment identified at Article III.1 of the "Notice of Hazardous Waste Activity and Land Use Restriction," dated July 8, 1985, on file with the Pleasants County Commission at Misc. Book 3, Page 578; and the "Notice of Closure of Hazardous Waste Management Unit," dated November 22, 1991, on file with the Pleasants County Commission at Misc. Book 4, Page 154.

The Property is situated on portions of two tax parcels as shown in Exhibit A. These are designated as Tax Parcels 54 and 55 on Tax Map 5, Grant District, Pleasants County, West Virginia. Both tax parcels are currently owned by the owner of record of the Property designated in this environmental covenant.

Activities on and uses of the above-described Property that may result in excessive human exposure or in the release of a contaminant that was contained as part of the remedial action related to this covenant are prohibited. Those activities and uses include, but are not limited to:

1. Uses of the Property for any purpose other than as nonresidential property as defined by the West Virginia Voluntary Remediation and Redevelopment Act (W. Va. Code §22-22-2(q)) are prohibited.
2. The use of groundwater at the Property for any purpose other than operation, maintenance, and monitoring activities required by the United States Environmental Protection Agency (EPA) and/or the West Virginia Department of Environmental Protection (WVDEP) is prohibited.
3. All earth moving activities, including excavation, drilling/penetration and construction on the entire Property are prohibited unless such excavation, drilling/penetration and construction is conducted by a professional who is qualified and knowledgeable about releases and exposures to contaminants known to exist at the Property. The professional will be required to perform the work in accordance with a site-specific Health and Safety and Soil Management Plan approved by WVDEP. This plan will detail how excavated soil and/or waste will be managed during any future subsurface activities. In addition, all soils that are to be disposed of will be sampled and disposed of in accordance with state and federal regulations. The remediation professional will also be required to remediate the disturbed area in a manner which assures that an equivalent amount of engineering control of the site is achieved at the conclusion of the work.

The owner of record of the Property, and its contact information, is:

Cytec Industries Inc.
Attn: Plant Manager
1 Heilman Avenue
Willow Island, West Virginia 26134

The following entity is the holder of this covenant:

Cytec Industries Inc.
Attn: Plant Manager
1 Heilman Avenue
Willow Island, West Virginia 26134

The facts regarding this Property relevant to this covenant are:

This Property is a "RCRA Sludge Impoundment" area that was used to dispose of sludge from the Cytec Industries Inc. Willow Island Plant's wastewater treatment plant from 1978 to 1988, and was closed with waste in place between 1988 and 1991. On August 15, 1991, the West Virginia Office of Waste Management acknowledged the closure in accordance with the approved closure plan. Per the Willow Island Plant's Hazardous Waste Permit No. WVD004341491, Cytec Industries Inc. performed post-closure activities at the RCRA Sludge Impoundment for the required 30 years, which included inspections for erosion damage, cover integrity, drainage, and fencing and signage, and semi-annual groundwater monitoring of a network of monitoring wells. Following the required 30 years of post-closure care, Cytec Industries Inc. coordinated with the WVDEP to address the requirements of Module VI, Section C.4 of the above referenced permit to terminate post-closure care. This Environmental Covenant is intended to address Item e. of that section, requiring *"A plan to establish long-term physical and legal controls including, at a minimum, a stewardship plan and submittal of any necessary deed notations/environmental covenants and / or institutional controls to prevent unacceptable exposure to hazardous waste at the post-closure care unit."*

This Property is also subject to the Article III.1 of the "Notice of Hazardous Waste Activity and Land Use Restriction," dated July 8, 1985, on file with the Pleasants County Commission at Misc. Book 3, Page 578; and the "Notice of Closure of Hazardous Waste Management Unit," dated November 22, 1991, on file with the Pleasants County Commission at Misc. Book 4, Page 154.

The owner(s) of the Property shall provide written notice to the holder, the Secretary of the WVDEP, and the EPA Region III within ten (10) days following transfer of any real estate interest in the Property subject to this covenant, changes in use of the Property, application for building permits regarding the Property, or proposals for any site work affecting the contamination on the Property.

The owner(s) shall conduct inspections of the Property to monitor compliance with this covenant at least one time per calendar year and shall submit two (2) signed copies of the Environmental Covenant Inspection Form provided as Exhibit C to the WVDEP, Division of Water and Waste Management (DWWM) headquarters in Charleston, West Virginia, and EPA Region III within thirty (30) days of the inspection.

The communications with WVDEP regarding this environmental covenant may be sent to:

WVDEP, DWWM
601 57th Street SE
Charleston, WV 25304
c/o: RCRA CA Project Manager

A recorded copy of this environmental covenant may be sent to:

US EPA Region III (3LD10)
4 Penn Center
Philadelphia, PA 19103
215-814-5000

E-mail requests to EPA may be sent to: R3_RCRAPOSTREM@epa.gov

Environmental Covenant Inspection Form and other subsequent submissions required by this environmental covenant shall be sent to the Region III RCRA Corrective Action digital reporting documents repository mailbox at: R3_RCRAPOSTREM@epa.gov. EPA RCRA Facility ID number must be included in the e-mail subject line.

This covenant shall not be amended, modified, or terminated except by written instrument executed in accordance with W.Va. Code §22-22B-9 or §22-22B-10, by and between the owner(s) at the time of the proposed amendment, modification, or termination; the Secretary of WVDEP; EPA Region III; and the holder of this covenant. Additionally, the then current owner(s) of the Property shall provide the Secretary of WVDEP and EPA Region III written notice of the pendency of any proceeding or any proceeding that could lead to a foreclosure, as referred to in W.Va. Code §22-22B-9(a)(4), within seven (7) days of the owner's receiving notice of the pendency of such proceedings. Within five (5) business days of executing an amendment, modification, or termination of this environmental covenant, the owner shall record such amendment, modification, or termination with the Clerk of the County Commission, and within five (5) business days thereafter, the owner shall provide a true copy of the recorded amendment, modification, or termination to the Secretary of WVDEP.

The administrative record for the Willow Island Plant's Hazardous Waste Permit No. WVD004341491 is maintained at the office of the WVDEP located at 601 57th Street, Charleston, West Virginia:

Hazardous Waste Permit No. WVD004341491, Cytec Industries Inc.
EPA ID #WVD004341491

WVDEP and EPA Region III are granted full right of access to the Property for the purpose of implementation or enforcement of this covenant.

A civil action for injunctive or other equitable relief for violating any requirement of this Environmental Covenant may be maintained by WVDEP or by the Attorney General of the United States, on behalf of EPA. In addition, WVDEP and EPA reserve their regulatory authorities under any law to enforce the activity and use limitations described in this Environmental Covenant.

All restrictions and other requirements described in this covenant shall run with the land and shall be binding upon all holders and the current owner and their grantees, lessees, authorized agents, employees, or persons acting under their direction or control.

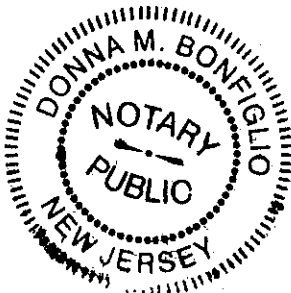
IN WITNESS WHEREOF, the following holder has executed this covenant on the dates indicated.

CYTEC INDUSTRIES INC.

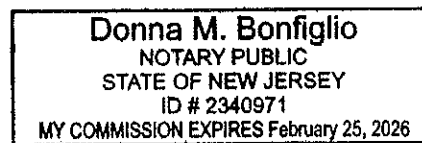
Printed Name: NING CHEN
Title: Vice President
Signature: [Signature] Date: 6/13/2024

I, Donna M. Bonfiglio, a Notary Public in and for the County of Mercer, State of New Jersey, do hereby certify that the holder(s) whose name is signed above, this day executed this document in my presence or this day acknowledged same to be true act and deed of said holder(s).

Given under my hand this the 13th day of June, 2024.
My commission expires February 25, 2026.



Donna M. Bonfiglio
Notary Public



West Virginia Department of Environmental Protection

Printed Name: Jeremy W. Bandy

Title: Director, Division of Water & Waste Management

Jeremy W. Bandy
Signature

6-18-24
Date

I, Teresa Pauline, a Notary Public in and for the County of Kanawha, State of West Virginia, do hereby certify that Jeremy W. Bandy, whose name is signed above as the representative of the agency, this day executed this document in my presence or this day acknowledged same to be true act and deed of said holder(s).

Given under my hand this the 18th day of June, 2024.

My commission expires February 24, 2029.

Teresa Pauline
Notary Public

The Clerk will return the recorded document to:

Mr. Jeremy Bandy, Director
WVDEP, DWWM
601 57th Street, SE
Charleston, WV 25304

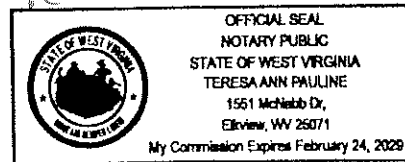


EXHIBIT A

NOTES

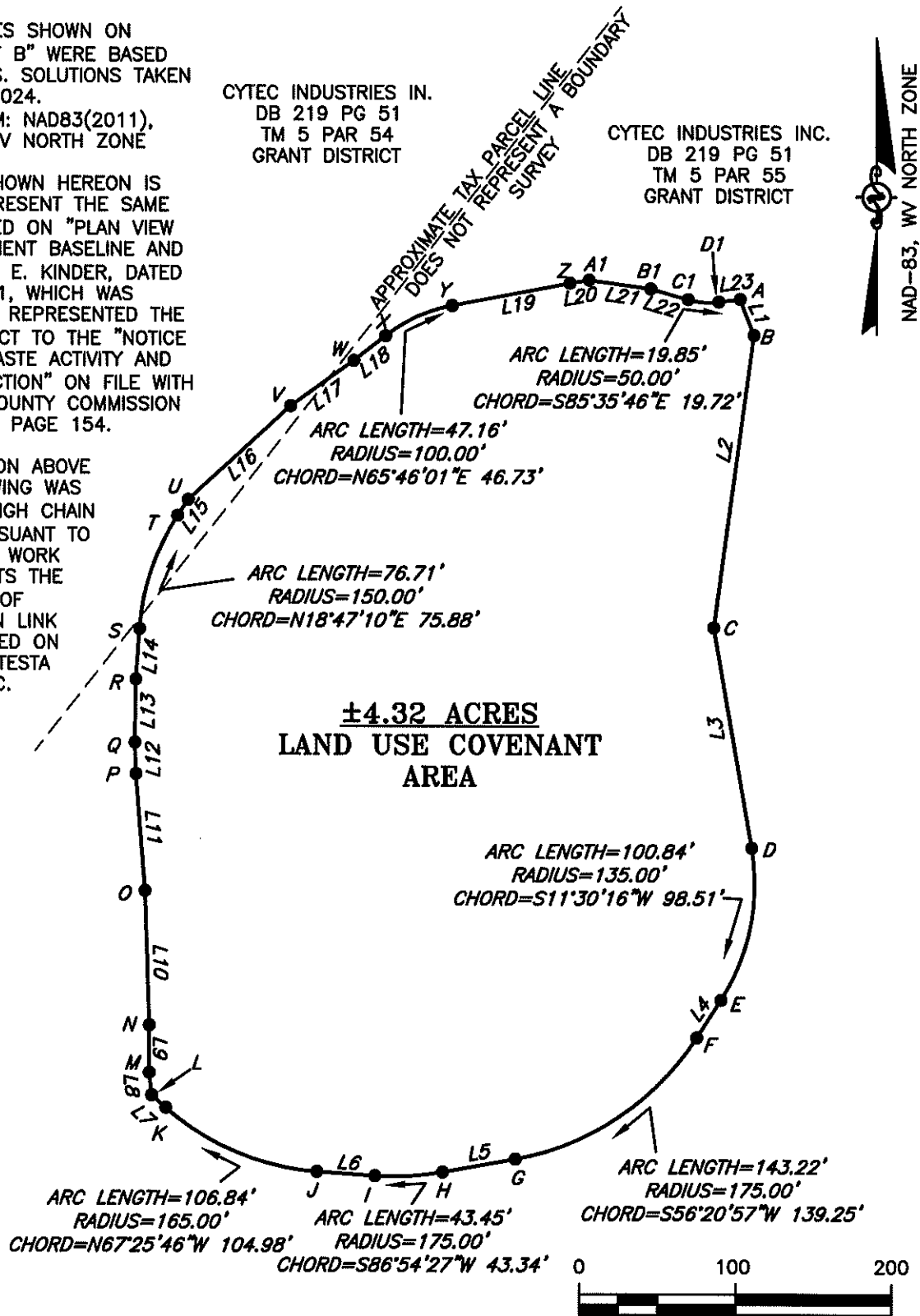
1. COORDINATE VALUES SHOWN ON ATTACHED "EXHIBIT B" WERE BASED UPON GPS O.P.U.S. SOLUTIONS TAKEN ON SITE 02-21-2024.
HORIZONTAL DATUM: NAD83(2011),
WV NORTH ZONE

CYTEC INDUSTRIES IN.
DB 219 PG 51
TM 5 PAR 54
GRANT DISTRICT

CYTEC INDUSTRIES INC.
DB 219 PG 51
TM 5 PAR 55
GRANT DISTRICT

2. THE BOUNDARY SHOWN HEREON IS INTENDED TO REPRESENT THE SAME PROPERTY DEPICTED ON "PLAN VIEW SLUDGE IMPOUNDMENT BASELINE AND GRID" BY RICHARD E. KINDER, DATED OCTOBER 17, 1991, WHICH WAS ATTACHED TO AND REPRESENTED THE SAME AREA SUBJECT TO THE "NOTICE OF HAZARDOUS WASTE ACTIVITY AND LAND USE RESTRICTION" ON FILE WITH THE PLEASANTS COUNTY COMMISSION AT MISC. BOOK 4, PAGE 154.

3. OUTERMOST LINE ON ABOVE REFERENCED DRAWING WAS LABELED AS "6' HIGH CHAIN LINK FENCE". PURSUANT TO NOTE 2, THE LINE WORK SHOWN REPRESENTS THE BOUNDARY/LIMITS OF AN EXISTING CHAIN LINK FENCE AS SURVEYED ON 02-21-24 BY POTESTA & ASSOCIATES, INC.



File: S:\CSD-SURVEYORS\JOBS\19-0030-005 CYTEC Willow Island\DWG\19-0030-005 Cytec Sludge LUC.dwg
Plot Date/Time: Mar 01, 2024 - 1:41pm
Plotted By: rbennett



POTESTA & ASSOCIATES, INC. ENGINEERS AND ENVIRONMENTAL CONSULTANTS

7012 MacCorkle Ave. SE, Charleston, WV 25304

TEL: (304) 342-1400 FAX: (304) 343-8031

E-Mail Address: potesta@potesta.com

Project

ACTIVITY AND USE LIMITATION AREA
RCRA SLUDGE IMPOUNDMENT
CYTEC INDUSTRIES INC. WILLOW ISLAND PLANT
PLEASANTS COUNTY, WEST VIRGINIA

Scale AS NOTED

Date MARCH 01, 2024

Dwg. No.

EXHIBIT A

EXHIBIT B

**COORDINATE TABLE
(DECIMAL DEGREES)**

POINT	LATITUDE(N)	LONGITUDE(W)
A	39.3553685	81.3016896
B	39.3553066	81.3016564
C	39.3547963	81.3017344
D	39.3544144	81.3016384
E	39.3541484	81.3017010
F	39.3540823	81.3017537
G	39.3538641	81.3021581
H	39.3538386	81.3023211
I	39.3538298	81.3024740
J	39.3538350	81.3026057
K	39.3539402	81.3029513
L	39.3539613	81.3029837
M	39.3540008	81.3029900
N	39.3540828	81.3029924
O	39.3543173	81.3030086
P	39.3545201	81.3030350
Q	39.3545748	81.3030388
R	39.3546845	81.3030399
S	39.3547724	81.3030340
T	39.3549709	81.3029527
U	39.3549995	81.3029294
V	39.3551662	81.3027022
W	39.3552475	81.3025606
X	39.3552919	81.3024897
Y	39.3553469	81.3023404
Z	39.3553901	81.3020753
A1	39.3553964	81.3020321
B1	39.3553833	81.3018917
C1	39.3553663	81.3018073
D1	39.3553632	81.3017377

LINE TABLE

L1	S21°26'44"E	24.42'
L2	S7°55'08"W	187.16'
L3	S9°53'42"E	141.73'
L4	S32°54'14"W	28.31'
L5	S79°47'39"W	47.01'
L6	N85°58'45"W	37.28'
L7	N48°52'46"W	11.95'
L8	N6°00'09"W	14.48'
L9	N0°09'32"W	29.90'
L10	N1°54'53"W	85.51'
L11	N4°36'39"W	74.24'
L12	N1°57'12"W	19.95'
L13	N0°42'59"E	39.99'
L14	N4°08'07"E	32.04'
L15	N33°26'13"E	12.31'
L16	N47°45'49"E	88.39'
L17	N54°40'30"E	49.81'
L18	N52°15'19"E	25.76'
L19	N79°16'43"E	76.58'
L20	N80°31'48"E	12.44'
L21	S82°00'11"E	39.99'
L22	S74°13'23"E	24.65'
L23	N83°01'51"E	13.74'

File: S:\C3D-SURVEYORS\JOBS\2019\19-0030-005 CYTEC Willow Island\DWG\19-0030-005 Cytec Sludge LUC.dwg
Plot Date/Time: Mar 01, 2024 - 1:42pm
Plotted By: rbennett



POTESTA & ASSOCIATES, INC.
ENGINEERS AND ENVIRONMENTAL CONSULTANTS

7012 MacCorkle Ave. SE, Charleston, WV 25304

TEL: (304) 342-1400 FAX: (304) 343-9031

E-Mail Address: potesta@potesta.com

Project

ACTIVITY AND USE LIMITATION AREA
RCRA SLUDGE IMPOUNDMENT
CYTEC INDUSTRIES INC. WILLOW ISLAND PLANT
PLEASANTS COUNTY, WEST VIRGINIA

Scale

N/A

Dwg. No.

EXHIBIT B

Date

MARCH 01, 2024

EXHIBIT C

Environmental Covenant Inspection Form

Cytec Willow Island Plant – Closed RCRA Sludge Impoundment

The property owner is responsible for conducting annual inspections of the site and submitting this form to WVDEP. The person conducting the inspection should refer to the recorded LUC for details, including a map of the affected property and descriptions of the activity and use limitations.

Environmental Response Project Description

Site Description				
Site ID Number WVD004341491 – Sludge Impoundment	Site Name Cytec Willow Island Plant – Closed RCRA Sludge Impoundment		County Pleasants	
Address WV Route 2		City Willow Island	State WV	Zip Code 26134
Property Owner on Land Use Covenant				
Property Owner Name Cytec Industries Inc.				
Address 1 Heilman Avenue		City Willow Island	State WV	Zip Code 26134

Annual Inspection – Records

Current Property Owner			
Has property ownership transferred since LUC recorded? <input type="checkbox"/> No: <i>If contact information has not changed, skip to "Current Site Use."</i> <input type="checkbox"/> Yes: <i>Provide new property owner contact information below.</i>			
Property Owner Name			
Address		City	State
			Zip Code
Phone		Email	
Current Site Use			
Land Use (check all that apply) <input type="checkbox"/> Agricultural <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Recreational <input type="checkbox"/> Residential <input type="checkbox"/> School <input type="checkbox"/> Vacant <input type="checkbox"/> Other			
Provide brief description of current site use (including names of businesses located on property).			

Annual Inspection – Property Observations

Activity and Use Limitations		
<i>The following activities on and uses of the property may result in excessive human exposure or in the release of a contaminant that was contained as part of the remedial action. Inspect the site to determine if any of the prohibited activities and uses listed below have occurred in the past year.</i>		
Activity and Use Limitation	Occurred in past year?	If "yes", describe:
Residential Use	<input type="checkbox"/> No <input type="checkbox"/> Yes	
Groundwater Use	<input type="checkbox"/> No <input type="checkbox"/> Yes	
Excavation/Drilling	<input type="checkbox"/> No <input type="checkbox"/> Yes	

Annual Inspection – Notes, Comments, or Concerns

Person Conducting Inspection

Contact Information

Inspector Name	Relationship to Property			
Mailing Address	City	State	Zip Code	
Phone	Email			

Statement of Affirmation

I affirm that the information provided in this Land Use Covenant Inspection Form, to the best of my knowledge and belief, is true, complete, and accurate.

Signature

Date

Submit completed and signed form, in addition to any attachments, to:

WVDEP, DWWM
601 57th Street, SE
Charleston, WV 25304

c/o: RCRA CA Project Manager

and

US EPA Region III (3LD10)
4 Penn Center
Philadelphia, PA 19103
215-814-5000

Last Page

Pleasants County
Jody L. Davis, Clerk
Instrument 648316
06/27/2024 @ 12:29:04 PM
AGREEMENT
Book 363 @ Page 379
Pages Recorded 12
Recording Cost \$ 19.00